



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1  
5 POST OFFICE SQUARE, SUITE 100  
BOSTON, MA 02109-3912

NOV 02 2011

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RETURN RECEIPT REQUESTED

Eric Slifka, President and CEO  
Global Partners, LP  
800 South Street, Suite 200  
P.O. Box 9161  
Wareham, MA 02454-9161

**URGENT LEGAL MATTER  
REQUIRES PROMPT RESPONSE**

Re: Reporting Requirement and Testing Order for Information under Section 114 of the Clean Air Act, 42 U.S.C. § 7414(a)

Dear Mr. Slifka:

This reporting requirement and testing order is part of an EPA investigation to determine whether Global Partners, LP (Global) has violated sections of the Clean Air Act (Act), 42 U.S.C. § 7401 et seq., at its terminal locations in New England.

EPA issues this reporting requirement and testing order pursuant to Section 114 of the Act, 42 U.S.C. § 7414. Under Section 114, EPA may require any person who is subject to any requirement of the Act to: establish records; make reports; sample emissions at the location and in the manner prescribed by EPA; and provide other information that EPA requires.

**Reporting Requirement**

Pursuant to this authority, EPA directs you to provide the following information within 60 days of receipt of this letter.

1. Provide the following information about Global:
  - a. Describe the ownership and business structure;
  - b. Indicate the date and state of incorporation;
  - c. List any partners or corporate officers;
  - d. List any parent and subsidiary corporations;
  - e. Provide the net worth of the company.
2. For each Global facility located in New England that purchases, stores, or distributes petroleum products, other than retail gasoline or diesel outlets:
  - a. Identify the types of fuels or petroleum products that are stored at each facility;
  - b. Provide a facility map, drawing, or schematic that identifies each tank and the type of material stored;

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- c. Provide a facility map, drawing, or schematic that identifies the location of any barge or truck loading systems.
3. Identify the Global facilities located in New England that are currently capable of storing and/or distributing residual fuel oil (#6 oil) and/or asphalt products. For each facility that currently is capable of storing and/or distributing residual fuel oil (#6 oil) and/or asphalt products:
  - a. Provide the number of #6 oil and the number of asphalt storage tanks located at each facility and the storage capacity (in gallons and barrels) of each tank;
  - b. Provide the date that each #6 oil and asphalt tank became operational;
  - c. Provide the total annual throughput of # 6 oil and the total annual throughput of asphalt products for each facility from 2006 to 2010 (in gallons and barrels);
  - d. Describe how #6 oil and asphalt products are delivered to each Global facility (e.g. by truck, rail and/or vessel). Provide the type and quantity of material delivered by truck, rail and/or vessel per year since January 1, 2006.
  - e. Provide the name of the originating refinery used for each shipment of #6 oil or asphalt received at the facility since January 1, 2006;
  - f. Describe how #6 oil and asphalt products are shipped offsite (by truck, rail and/or vessel). Provide the type and quantity of material shipped by truck, rail and/or vessel per year since January 1, 2006.

The following questions, numbered 4 through 11 relate to any facility owned or operated by Global (not limited to New England facilities):

4. Provide the test results or analysis of any air emissions testing from #6 oil and/or asphalt storage tank vents or "head space" above the oil or asphalt.
5. Provide the test results or analysis of any air emissions testing of volatile organic compounds ("VOC") and/or hazardous air pollutants ("HAP") from #6 oil and asphalt vessel loading and truck loading operations.
6. Provide any calculations used to estimate annual or short term VOC and/or HAP emissions from #6 oil and asphalt at any facility, including loading and unloading operations, storage tanks, material transfer (e.g., piping, pumps, etc.), wastewater, stormwater collection systems, or any other equipment used to handle #6 oil or asphalt at the facility. Do not include calculations that use AP-42 emission factors for #6 oil or asphalt.
7. Provide copies of all correspondence Gulf has had with state and federal environmental agencies regarding VOC and/or HAP emissions from #6 oil and asphalt storage, transfer, or distribution, including copies of:
  - a. All permits issued;
  - b. All permit applications;



- c. All emission statements; and
  - d. Any requests for permit modifications.
8. For Global customers located in New England that have purchased one million gallons or more per year of #6 oil or asphalt since January 1, 2006, provide the customer name, facility address, and quantity of #6 oil and asphalt purchased each year from 2006 to 2010.
  9. Provide all information in Global's possession which identifies and/or describes any changes in the formulation of #6 oil and/or asphalt.

### **Testing Order**

This Testing Order requires Global to monitor and sample the headspace of tanks containing #6 oil and asphalt for VOC and HAP content, and to monitor and sample related loading operations, at Global locations in New England.

1. Within fourteen days of receipt of this Testing Order, contact EPA's Bill Osbahr at (617) 918-8389 to discuss the pre-test protocol and the scheduling of a pre-test conference.
2. Within 60 days of receipt of this Testing Order, prepare and mail to EPA and the appropriate state environmental agency a pre-test protocol for performing headspace monitoring and a sample analysis program for tanks and loading operations of residual oil (#6 oil) and asphalt. Global shall follow the sampling and test methods specified in the Testing Order. Or, if desired, Global may propose a different sampling or test method and submit to EPA for approval in writing with the pre-test protocol. Note, if a different method is proposed, EPA may require additional information.
3. Within 90 days of receipt of this Testing Order, Global shall revise and resubmit the test protocol in accordance with any written EPA comments or required changes. EPA shall approve, approve with conditions, or disapprove Global's test protocol in writing. Global's tank selection will be subject to EPA's review and approval as part of this process.
4. Global shall select at least one #6 oil tank and at least one asphalt tank to be tested. Each tank selected for testing must be located in New England and must be an active tank. An active tank is a tank that contains product, is heated, is connected to a truck loading rack, and is in service. Each tank selection shall be submitted to EPA in writing with the pre-test protocol for EPA's review and approval. For purposes of this testing order, Global shall not select tanks located at the facility in Chelsea, Massachusetts.

5. No later than March 31, 2012, Global shall monitor and analyze tank headspace and loading operations for VOC and HAP emissions for #6 oil as described in paragraphs 7 and 8 below.
6. No later than May 31, 2012, Global shall monitor and analyze tank headspace and loading operations for VOC and HAP emissions for asphalt as described in paragraphs 7 and 8 below.
7. Specifically, for #6 oil and asphalt headspace monitoring, Global shall continuously monitor VOC emissions from each tank vent using Reference Method 25a under 40 C.F.R. Part 60, Appendix A. Note that depending on the tank vent configuration, a temporary total enclosure consistent with EPA Method 204 may need to be established prior to monitoring. Global shall install a continuous vapor emissions monitor at the tank vent to monitor and record vapor concentrations from the tanks.
  - a. At a minimum, Global shall install the continuous monitor and commence monitoring 24 hours before a scheduled tank filling and monitoring shall continue during and after the tank filling process. The continuous monitoring shall continue for at least 30 days. Global shall continuously monitor and record the tanks' vapor concentrations in units of parts per million as methane on a volumetric basis ("ppmv"), and provide EPA with the recorded concentration results as provided below. Global shall also monitor air flow and provide results to EPA. Based on the monitoring data, Global shall calculate a VOC emissions rate in pounds per hour.
  - b. Following each tank filling or delivery event that occurs during the 30 days of monitoring, Global shall collect a product sample and analyze for vapor pressure using ASTM Method D2879 as well as ASTM D323-82 or 94. Each sample shall follow proper chain of custody procedures and the following information shall be noted:
    - i. Date and time of sample collection;
    - ii. Temperature of sample at time of collection;
    - iii. Location of sample collection (facility name and tank identification);
    - iv. A description of any deviations from sampling or analysis techniques described in the protocol;
    - v. Identify the date, supplier's name, and originating refinery of each batch of #6 oil or asphalt that is sampled by the facility.
  - c. At least once per day during the 30 days of testing Global shall record the temperature of the product(#6 oil and asphalt) in each tank.
  - d. At least once per day during the 30 days of testing Global shall record the quantity of product (in gallons and percent capacity) stored in each tank.



8. Global shall also analyze for HAP content in the emissions from each tank headspace using EPA Method TO-15. Global shall determine HAP emissions for each tank that is tested. Based on the monitoring data, Global shall calculate a HAP emissions rate in pounds per hour. For purposes of this calculation, Global shall calculate HAP emissions from the single largest HAP present as well as the total HAP present in the TO-15 sample.
9. During the 30 days that VOC emissions are monitored from each tank, Global must also monitor VOC emissions from truck and/or rail loading operations. Based on the monitoring data, Global shall calculate a VOC emissions rate in units of pounds per hour as well as in units of pounds VOC emitted per gallon of oil/asphalt loaded.
10. Using the TO-15 emissions data collected on the tanks, Global shall calculate HAP emissions from truck and/or rail loading operations. Global may, if desired, and if it is technically feasible, collect and analyze additional TO-15 samples from the truck and/or rail loading operations for the purposes of calculating HAP emissions from truck and/or rail loading operations. Global shall calculate a HAP emissions rate in units of pounds per hour as well as in units of pounds HAP emitted per gallon of oil/asphalt loaded. For purposes of this calculation, Global shall calculate HAP emissions from the single largest HAP present as well as the total HAP present in the TO-15 sample.
11. Within 30 days of completing the testing, submit a complete test report to EPA and the appropriate state environmental agency. Included with the test report, Global shall also submit:
  - a. A description of any maintenance (or other repairs or changes) done on the tanks, loading racks, and/or any vapor collection and processing system between the date of receipt of this letter and the EPA-observed emissions test date, including a description of the reason(s) for such maintenance; and
  - b. The data and results from any pre-test sampling and/or engineering studies Global elects to conduct on the tanks, loading racks, and/or any vapor collection and processing system between the date of receipt of this letter and the EPA-observed emissions test date, and any memos or reports that summarize the results of the same.
  - c. The formulas used as well as sample calculations to demonstrate how Global calculated emissions for the purposes of this Testing Order.

Attachment A to this Testing Order provides lists of guidelines for pre-test protocols and post-test final reports. In specific circumstances, EPA may request additional information.

Submissions required by this letter shall be mailed to all of the following:

Elizabeth A. Kudarauskas US EPA Region I 5 Post Office Square, Suite 100 Mail Code: OES-04-2 Boston, Massachusetts 02109-3912	William Osbahr US EPA Region I Mail Code EIA 11 Technology Drive North Chelmsford, MA 01863-2431
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Be aware that if Global does not provide all the information required under the Testing Order in a timely manner, fails to timely submit a test protocol in accordance with EPA's requirements, fails to conduct the required emissions test in a timely manner, or fails to submit a timely and complete test report, EPA may order it to comply and may assess monetary penalties under Section 113 of the Act, 42 U.S.C. § 7413. Note that federal law also establishes criminal penalties for providing false information to EPA. This letter is not subject to Office of Management and Budget review pursuant to the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

You may assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 CFR § 2.203(b). Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in 40 CFR Part 2, Subpart B. Note that certain categories of information, such as emission data, are not properly the subject of such a claim. If no such claim accompanies the information when EPA receives it, EPA may make the information available to the public without further notice to you. Please be aware that states may have different rules and regulations governing the protection of confidential business information.

If you have any questions regarding this Testing Order, please contact Environmental Engineer Elizabeth Kudarauskas, at (617) 918-1564, or have your attorney call Senior Enforcement Counsel Thomas Olivier at (617) 918-1737.

Sincerely,

 *Sam Silverman, acting for*

Susan Studlien, Director  
Office of Environmental Stewardship

Enclosure

cc: Robert Girard, CT DEEP  
Ted Burns, RI DEM  
Kurt Tidd, ME DEP

Ed Pawlowski, MA DEP Northeast Regional Office  
Saadi Motamedi, MA DEP Western Regional Office  
Gregg Hunt, MA DEP Southeast Regional Office  
John Kronopolus, MA DEP Central Regional Office  
Christian Jones, VT DEC  
Pamela Monroe, NH DES



## **REQUIREMENTS FOR AIR EMISSIONS TESTING**

### **A. PRETEST INFORMATION REQUIREMENTS**

In order to establish uniform requirements and help ensure that proper test methods and procedures are utilized, the information specified below must be submitted to EPA Region 1 in the form of a test protocol. EPA will notify the company of any deficiencies or required changes in the test protocol. Following such notification, the company shall revise and resubmit the test protocol for EPA review and approval.

Except as otherwise provided by EPA, the test protocol shall provide for testing in strict accordance with applicable procedures in 40 C.F.R. Part 60, Appendix A, Standards of Performance for New Stationary Sources, or in 40 C.F.R. Part 61, Appendix B, National Emission Standards for Hazardous Air Pollutants. Any variations in sampling or analytical procedures must be indicated in the test protocol and receive written approval from EPA prior to testing.

The test protocol shall provide the following information, at a minimum:

1. Identification and a brief description of the source to be tested. The description shall include:
  - a. Type of industrial process or combustion facility;
  - b. Type and quantity of raw and finished materials used in the process;
  - c. Description of any cyclical or batch operations which would tend to produce variable emissions with time;
  - d. Basic operating parameters used to regulate the process; and
  - e. Rated capacity of the process.
2. A brief description of the air pollution control equipment associated with the process, including:
  - a. Type of control device;
  - b. Operating parameters;
  - c. Rated capacity and efficiency; and
  - d. Ultimate disposal of wastes.



3. Type of pollutant to be sampled (particulate matter, NO<sub>x</sub>, SO<sub>2</sub>, hydrocarbons, etc.).
4. A description of the emission sampling equipment, including a schematic diagram of the sampling train.
5. A description of the sampling and analysis procedures. Reference standard methods, if applicable. Indicate any proposed variations and provide justification.
6. A sketch with dimensions indicating the flow of exhaust gases from the process, through the control equipment and associated ductwork to the stack.
7. In accordance with 40 C.F.R. Part 60, Appendix A, Method 1:
  - a. An elevation view of the dimensions of the stack configuration indicating the location of the sampling ports and distances to the nearest upstream and downstream flow interferences; and
  - b. A cross-sectional sketch of the stack at the sampling location with dimensions indicating the location of the sampling traverse points.
8. Estimated flue gas conditions at sampling location, including temperature, moisture content, and velocity pressure.
9. A description of the process and control equipment operating data to be collected during the sampling period.
10. Copies of the field data sheet forms to be used during the tests.
11. Names and titles of personnel who will be performing the tests.
12. A description of the procedures for maintaining the integrity of the samples collected, including chain of custody and quality control procedures.
13. Calibration sheets for the dry gas meter, orifice meter, pilot tube, and/or any other equipment that requires calibration.
14. A list of pre-weighed filters to be used during particulate emission testing, including identification and tare weights.

(Note: Items 13 and 14 must be submitted prior to actual testing, but need not be included with the pretest information.)

## **B. EMISSION TEST REPORT REQUIREMENTS**

The emission test report must contain all pertinent data concerning the tests, including a description of the process and operating conditions under which the tests were made, the results of the tests, and test procedures. While the exact format of the report will vary depending upon the type and objective of the tests, below is a suggested format containing elements that must be incorporated in the report.

1. Introduction:
  - a. Identification, location, and dates of tests;
  - b. Purpose of tests;
  - c. Brief description of source; and
  - d. Name and affiliation of person in charge of tests.
2. Summary of results:
  - a. Operating and emission data; and
  - b. Comparison with applicable emission regulations.
3. Source description:
  - a. Description of process including operation of emission control equipment;
  - b. Flow sheet (if applicable);
  - c. Type and quantity of raw and finished materials processed during the tests;
  - d. Maximum normal rated capacity of the process; and
  - e. Description of process instrumentation monitored during the test.
4. Sampling and analytical procedures:
  - a. Description of sampling train and field procedures;
  - b. Description of recovery and analytical procedures;
  - c. Sketch indicating sampling port locations relative to process, control equipment upstream and downstream flow disturbances; and



- d. Sketch or cross-sectional view of stack indicating traverse point locations.
5. Test results and discussion:
- a. Detailed tabulation of results including process operating conditions and flue gases conditions;
  - b. Discussion of significance of results relative to operating parameters and emission regulations; and
  - c. Discussion of any divergences from normal sampling procedures or operating conditions that could have affected the test results.
6. Calculation and data reduction methods:
- a. Description of computational methods, including the equation format used to obtain final emissions results from field data; and
  - b. Sample calculations from at least one run of each type of test performed.
7. Appendix
- a. Copies of all field data collected during the test, including sampling data sheets and process operating logs;
  - b. Copies of all analytical laboratory data;
  - c. Calculation sheets or computer input and output data;
  - d. Sampling equipment and laboratory calibration data;
  - e. Names and titles of personnel and organizations participating in the tests;
  - f. Visible emission observations performed during the tests (if required); and
  - g. Copies of all chain of custody information.